

## REMARKS

In the Official Action mailed on **1 June 2007**, the Examiner reviewed claims 1-42. Claims 3-5, 9-10, 12, 17-19, 23-24, 31-33 and 37-38 were rejected under 35 U.S.C. §112. Claims 1-42 were rejected under 35 U.S.C. §101.

### Rejections under 35 U.S.C. §112

Claims 3-5, 9-10, 12, 17-19, 23-24, 31-33 and 37-38 were rejected under 35 U.S.C. §112 as being indefinite for using if-statements.

Applicant has amended claims 3-5, 9-10, 12, 17-19, 23-24, 26, 31-33, 37-38, and 40 to clarify alternative actions if if-statements are not satisfied.

As for claims 3, 17, and 31, Applicant respectfully submits that the opposite case of “if a process that deleted the existing node **does not activate the splicing mechanism**” is “if a process that deleted the existing node **activates the splicing mechanism.**” In this opposite case, “another process” is not needed because the process that deleted the existing node has activated the splicing mechanism. Applicant respectfully points out that it is unnecessary to recite such an obvious inaction. No new matter has been added.

As for claims 4, 9, 18, 23, 32 and 37, Applicant respectfully submits that the opposite case of “if the target node **has been deleted**” is “if the target node **has not been deleted.**” Hence, Applicant has amended these claims to address the action for this opposite case is not taking the remedial action. No new matter has been added.

As for claims 5, 10, 19, 24, 33 and 38, Applicant respectfully submits that the opposite case of “if **an updated version of the existing node is found**” is “if **an updated version of the existing node is not found.**” Applicant has amended these claims to clarify that the action for this opposite case is to indicate that the remedial action fails. These amendments find support on page 11, lines 2-6 of the instant application. No new matter has been added.

As for claims 12, 26, and 40, Applicant respectfully submits that the opposite case of “if the next pointer indicates that the existing node is already deleted” is “if the next pointer indicates that the existing node is not deleted.” Applicant has amended these claims to clarify that the action for this opposite case is to continue performing the atomic modification operation (because this is an ordinary case for performing the atomic operation). No new matter has been added.

Hence, Applicant respectfully submits amended claims 3-5, 9-10, 12, 17-19, 23-24, 26, 31-33, 37-38, and 40 are in condition to overcome the 35 U.S.C. § 112 rejection.

#### **Rejections under 35 U.S.C. §101**

Claims 1-42 were rejected under 35 U.S.C. §101 as being inoperative and therefore lacking utility. Specifically, Examiner points out that the invention as claimed is inoperative because the claims fail to recite a step wherein the next pointer of the node previous to the existing node in the linked list is modified to point to the new node.

Applicant has amended independent claims 1, 15, and 29 to include the step of “splicing the existing node out of the linked list by atomically modifying the next pointer of a node immediately preceding the existing node in the linked list to point to the new node, instead of pointing to the existing node” from claims 2, 16, and 30. These amendments include the step of modifying the next pointer of the node previous to the existing node in the linked list to point to the new node. Accordingly, Applicant has cancelled dependent claims 2, 16, and 30 without prejudice. Furthermore, Applicant has also amended claim dependency of dependent claims 3, 17, and 31 which were dependent on the cancelled claims. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 1, 15, and 29 as presently amended to become fully operative and useful, and therefore

overcome the the 101 rejection. Applicant also submits that claims 3-14, which depend upon claim 1, claims 17-28, which depend upon claim 15, and claims 31-42, which depend upon claim 29, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

### **CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By /Anthony P. Jones/  
Anthony Jones  
Registration No. 59,521

Date: 28 November 07

Anthony Jones  
PARK, VAUGHAN & FLEMING LLP  
2820 Fifth Street  
Davis, CA 95618-7759  
Tel: (530) 759-1666  
Fax: (530) 759-1665  
Email: tony@parklegal.com